

¹ K.S.A. 1999 Supp. 44-534a.

- (1) Did the worker sustain an accidental injury?
- (2) Did the injury arise out of and in the course of employment?
- (3) Did the worker provide timely notice and timely written claim?
- (4) Is there any defense to the compensability of the claim?

Further, the Appeals Board may also review those preliminary hearing orders in which the Judge has exceeded his or her jurisdiction.²

3. The question of whether the Judge erred by ordering medical treatment to be provided in San Antonio, where claimant now resides, is not reviewable from a preliminary hearing order. The Judge has the jurisdiction at preliminary hearings to determine whether a worker needs medical treatment and to order the respondent and its insurer to provide a list of potential treating physicians. Therefore, the Judge has not exceeded his jurisdiction.

4. As provided by the Workers Compensation Act, preliminary hearing findings are not final but subject to modification upon a full hearing of the claim.³

WHEREFORE, the Appeals Board dismisses the appeal leaving Judge Howard's April 19, 2000 Order in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of June 2000.

BOARD MEMBER

c: William W. Hutton, Kansas City, KS
Rex W. Henoch, Lenexa, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director

² K.S.A. 1999 Supp. 44-551(b)(2)(A).

³ K.S.A. 1999 Supp. 44-534a(a)(2).